

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Annual Assessment of the Status of	)	MB Docket No. 12-203
Competition in the Market for the	)	
Delivery of Video Programming	)	

**COMMENTS OF  
Newton Communications Access Center (Newtv)**

**Newton Communications Access Center** submits these comments in response to the above-captioned Notice of Inquiry (“NOI”), released July 20, 2012, seeking “data, information, and comment on the state of competition in the delivery of video programming.”

NewTV is An Emmy Award winning, non-profit, Newton-based, community media center dedicated to providing the diverse Newton community with a platform for opinions, news and local information not generally available from commercial or public media. NewTV also offers technology training, a state-of-the-art media facility and content distribution while supporting the First Amendment right to free speech of the Newton community.

1. How many channels does your MVPD operator(s) provide for PEG programming?  
Verizon, Comcast, and RCN are the three MVPD operators in Newton and each has allocated three (3) channels for PEG programming in Newton.
2. On which tier are these channels placed and is extra equipment required to view them?  
All of our PEG channels are located on the lowest standard definition tier. A minimum of a DTA Box is required to view all channels as they are now all digital (standard definition only).
3. Are there more or fewer PEG channels carried on MVPD systems than were carried as of June 2010? To my knowledge there are the same numbers of channels.
4. What data sources exist to track the availability of PEG programming? Unfortunately the MVPD providers do not allow us to distribute our programming schedule on the on-screen program guide. Residents must navigate to our web site to view our programming schedule, though we can provide all necessary data required for inclusion on an on-screen program guide.

5. Is there any evidence that AT&T's "Channel 99 PEG product" has hurt PEG viewership? Have there been any consumer complaints about PEG accessibility on U-verse? We are not in an AT&T U-Verse community.

## 6. COMMUNITY MEDIA PROTECTION BILL

1. PURPOSE – A Legislative Bill geared toward preserving Community Media in Massachusetts. The Bill additionally provides cities and towns with needed funding assistance and connectivity enhancements. It also will shorten the length of franchise agreements/renewals for "Video Services Providers" (VSP's). (References - Section VI of the US Congress Cable Act of 1984 - 1996; MGL Ch. 166A, 207 CMR and relevant DTC rulings listed on mass.gov)
2. SCOPE
  - a. This Bill shall redefine "cable revenues" by inserting language to include cable and internet television as "Video Services"
  - b. Community Media Centers will be guaranteed 5% of the annual gross revenues from the newly defined video services associated with each of the providers doing business in their city/town
  - c. The city/town will receive 1% of the annual gross revenues from the newly defined video services associated with each of the providers doing business in their city/town
  - d. The Mass Municipal Association and MassAccess will co-sponsor the introduction of the Bill – other "partners" will be considered
  - e. Cable Television providers (namely VZ) aiming to secure timely franchise agreements have proposed three versions (see S1687) of a watered down statewide franchising Bill that has not made its way out of committee in 2007, 2009 and we suspect the same fate in 2011. They seek a shorter window to secure a franchise agreement with a municipality. Their proposal is for 45 days. The MMA and MassAccess will propose a (6 month??) maximum duration to secure a license/renewal within the Bill.
  - f. Remove \$.50 per subscriber annual payment to city/town
  - g. Increase \$.80 per subscriber annual payment to State to \$1.50 per year
  - h. Remove Capital Equipment grant distribution from contract
3. TERMS
  - a. Definition of "Video Services":
    - (1) All video services provided to the consumer having to do with cable television and internet video products via fiber and/or coaxial lines that are installed above or below public roadways within each community
    - (2) Can be part of a "bundling" package
    - (3) Gross Annual Revenues (GAR's) will include cable and internet related fees

- (4) A guarantee of 6% of GAR's is non-negotiable but the Issuing Authority within each municipality may negotiate "connectivity" matters, senior discounts, customer service issues and other matters in its purview

b. Revenue Distribution

- (1) Guarantee of 5% of "Video Services" GAR's for Community Media Center (CMC)(formerly described as PEG Access) operating and capital use distributed quarterly directly to the CMC
- (2) Guarantee of 1% to Municipality – no restriction on use – distributed quarterly directly to the municipality
- (3) 5% is "pass through" to the consumer, 1% to Municipality is not
- (4) In the event that a municipality manages the Government Channel, not more than 1.25% of the Video Services GAR's can be directed to the operation of said channel
- (5) In the event that a municipality/school department/college manages the Educational Channel, not more than 1.25% of the Video Services GAR's can be directed to the operation of said channel

c. Connectivity

- (1) Video Services Provider (VSP) will connect all municipal buildings including schools, police and fire stations, libraries and Community Media Center facilities with Video Services fiber lines for IT, video transmission and telephony use replacing outdated I-Net lines upon renewal
- (2) The largest broadband "pipe" shall be made available to the municipality and CMC for their use
- (3) A Residential Feed shall be provided to the CMC for signal monitoring purposes
- (4) All connections shall be free to the municipality and CMC – some installation fees may be associated where applicable
- (5) Any "Hub" located within a municipal building or CMC will be owned by the municipality. Access to the "Hub" will be made available to the VSP and CMC for signal monitoring purposes

d. Programming

- (1) VSP will provide and dedicate three basic tier analog and three digital tier channels for the purpose of Public, Educational and Governmental programming
- (2) VSP will provide HD capabilities for the three digital tier channels as it does for other broadcast channels
- (3) VSP will provide a fourth digital tier channel to the CMC for its use without restrictions – only upon written request – agreed to by the Issuing Authority and VSP
- (4) VSP shall provide Video On Demand capabilities to viewers comprised of 25 hours of video selected by the CMC under the heading of "Local Programming"
- (5) VSP will provide inclusion on their Channel Guide listing to the CMC – a fee may be charged for this service if a third party vendor is used

- (6) Live Streaming of Video and Video On Demand services offered by the CMC and/or municipality will be supported and encouraged by the VSP
  - (7) Each VSP will be required to upgrade their “Head-end” standard definition/analog equipment to HD/digital equipment during the course of their ten year agreement
- e. Other
- (1) CMC shall be allowed to seek “Alternative Revenue” streams by fundraising, underwriting, production services, equipment and facility rental, website banner ads and other means allowed under law
  - (2) All purchased equipment and accrued assets will be owned and maintained by the CMC until it ceases to exist or is no longer fit to provide the necessary services to the community it represents. At that point all equipment and assets will revert to the municipality.
  - (3) The CMC will provide an Annual Report to the municipality in writing within 90 days upon completion of its fiscal year. The Annual Report will include board meeting minutes, financial reports, membership statistics including equipment and facility use metadata, capital purchases and approved budgets.
  - (4) CMC services are exempt under MA Chapter 30B
  - (5) CMC board meetings do not fall under MA public meeting laws

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